

# Senate File 2210 - Introduced

SENATE FILE 2210

BY BOLKCOM

## A BILL FOR

1 An Act providing for the licensure of art therapists by the  
2 behavioral science board, making penalties applicable,  
3 providing for fees, and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2014,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician and  
5 surgeon, physician assistant, psychologist, chiropractor,  
6 nurse, dentist, dental hygienist, dental assistant,  
7 optometrist, speech pathologist, audiologist, pharmacist,  
8 physical therapist, physical therapist assistant, occupational  
9 therapist, occupational therapy assistant, orthotist,  
10 prosthetist, pedorthist, respiratory care practitioner,  
11 practitioner of cosmetology arts and sciences, practitioner  
12 of barbering, funeral director, dietitian, marital and family  
13 therapist, mental health counselor, art therapist, social  
14 worker, massage therapist, athletic trainer, acupuncturist,  
15 nursing home administrator, hearing aid dispenser, or sign  
16 language interpreter or transliterator means a person licensed  
17 under this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,  
19 osteopathic medicine and surgery, practice as a physician  
20 assistant, psychology, chiropractic, nursing, dentistry,  
21 dental hygiene, dental assisting, optometry, speech pathology,  
22 audiology, pharmacy, physical therapy, physical therapist  
23 assisting, occupational therapy, occupational therapy  
24 assisting, respiratory care, cosmetology arts and sciences,  
25 barbering, mortuary science, marital and family therapy,  
26 mental health counseling, art therapy, social work, dietetics,  
27 massage therapy, athletic training, acupuncture, nursing  
28 home administration, hearing aid dispensing, sign language  
29 interpreting or transliterating, orthotics, prosthetics, or  
30 pedorthics.

31 Sec. 2. Section 147.2, subsection 1, Code 2014, is amended  
32 to read as follows:

33 1. A person shall not engage in the practice of medicine  
34 and surgery, podiatry, osteopathic medicine and surgery,  
35 psychology, chiropractic, physical therapy, physical

1 therapist assisting, nursing, dentistry, dental hygiene,  
2 dental assisting, optometry, speech pathology, audiology,  
3 occupational therapy, occupational therapy assisting,  
4 orthotics, prosthetics, pedorthics, respiratory care,  
5 pharmacy, cosmetology arts and sciences, barbering, social  
6 work, dietetics, marital and family therapy or mental health  
7 counseling, art therapy, massage therapy, mortuary science,  
8 athletic training, acupuncture, nursing home administration,  
9 hearing aid dispensing, or sign language interpreting  
10 or transliterating, or shall not practice as a physician  
11 assistant, unless the person has obtained a license for that  
12 purpose from the board for the profession.

13 Sec. 3. Section 147.13, subsection 16, Code 2014, is amended  
14 to read as follows:

15 16. For marital and family therapy, art therapy, and mental  
16 health counseling, the board of behavioral science.

17 Sec. 4. Section 147.14, subsection 1, paragraph m, Code  
18 2014, is amended to read as follows:

19 m. For behavioral science, three members licensed to  
20 practice marital and family therapy, all of whom shall be  
21 practicing marital and family therapists; three members  
22 licensed to practice mental health counseling, one of whom  
23 shall be employed in graduate teaching, training, or research  
24 in mental health counseling and two of whom shall be practicing  
25 mental health counselors; three members licensed to practice  
26 art therapy; and ~~three~~ two members who are not licensed to  
27 practice marital and family therapy, art therapy, or mental  
28 health counseling and who shall represent the general public.

29 Sec. 5. Section 147.74, Code 2014, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. 13A. An art therapist licensed under  
32 chapter 154D and this chapter may use the words "licensed art  
33 therapist" after the person's name or signify the same by the  
34 use of the letters "L.A.T." after the person's name. An art  
35 therapist licensed under chapter 154D and this chapter who

1 possesses a doctoral degree may use the prefix "Doctor" or  
2 "Dr." in conjunction with the person's name, but shall add  
3 after the person's name the words "licensed art therapist".

4 Sec. 6. Section 154D.1, Code 2014, is amended by adding the  
5 following new subsections:

6 NEW SUBSECTION. 01. "*Art therapy*" means the clinical  
7 and evidence-based use of art interventions to accomplish  
8 individualized goals within a therapeutic relationship through  
9 an individualized art therapy treatment plan for the client  
10 that identifies the goals, objectives, and potential strategies  
11 of the art therapy services appropriate for the client using  
12 art therapy interventions.

13 NEW SUBSECTION. 1A. "*Licensed art therapist*" means a person  
14 licensed to practice art therapy under chapter 147 and this  
15 chapter.

16 NEW SUBSECTION. 7A. "*Temporary licensed art therapist*"  
17 means a person licensed to practice art therapy under  
18 supervision in accordance with section 154D.7.

19 Sec. 7. Section 154D.1, subsections 4 and 7, Code 2014, are  
20 amended to read as follows:

21 4. "*Licensee*" includes a licensed marital and family  
22 therapist, a licensed art therapist, and a licensed mental  
23 health counselor.

24 7. "*Temporary license*" means a license to practice marital  
25 and family therapy, art therapy, or mental health counseling  
26 under direct supervision of a qualified supervisor as  
27 determined by the board by rule to fulfill the postgraduate  
28 supervised clinical experience requirement in accordance with  
29 this chapter.

30 Sec. 8. Section 154D.2, Code 2014, is amended to read as  
31 follows:

32 154D.2 Licensure — marital and family therapy — art therapy  
33 — mental health counseling.

34 An applicant for a license to practice marital and family  
35 therapy, art therapy, or mental health counseling shall be

1 granted a license by the board when the applicant satisfies all  
2 of the following requirements:

3 1. Possesses a master's degree in marital and family  
4 therapy, art therapy or a related field, or mental health  
5 counseling, as applicable, consisting of at least sixty  
6 semester hours, or its equivalent, from a nationally accredited  
7 institution or from a program approved by the board.

8 2. Has at least two years of supervised clinical experience  
9 or its equivalent as approved by the board. Standards for  
10 supervision, including the required qualifications for  
11 supervisors, shall be determined by the board by rule.

12 3. Passes an examination approved by the board.

13 Sec. 9. Section 154D.4, Code 2014, is amended to read as  
14 follows:

15 **154D.4 Exemptions.**

16 1. This chapter and chapter 147 do not prevent qualified  
17 members of other professions, including but not limited to  
18 nurses, psychologists, social workers, physicians, physician  
19 assistants, attorneys at law, or members of the clergy, from  
20 providing or advertising that they provide services of a  
21 marital and family therapy, art therapy, or mental health  
22 counseling nature consistent with the accepted standards of  
23 their respective professions, but these persons shall not use a  
24 title or description denoting that they are licensed marital  
25 and family therapists, licensed art therapists, or licensed  
26 mental health counselors.

27 2. The licensure requirements of this chapter and chapter  
28 147 do not apply to the following:

29 a. Students whose activities are conducted within a course  
30 of professional education in marital and family therapy, art  
31 therapy, or mental health counseling.

32 b. A person who practices marital and family therapy, art  
33 therapy, or mental health counseling under the supervision of  
34 a person licensed under this chapter as part of a clinical  
35 experience as described in section 154D.2, subsection 2.

1     *c.* The provision of children, family, or mental health  
2 services through the department of human services or juvenile  
3 court, or agencies contracting with the department of human  
4 services or juvenile court, by persons who do not represent  
5 themselves to be ~~either~~ a marital and family therapist, an art  
6 therapist, or a mental health counselor.

7     Sec. 10. Section 154D.5, Code 2014, is amended to read as  
8 follows:

9     **154D.5 Sexual conduct with client.**

10     The license of a marital and family therapist, an art  
11 therapist, or a mental health counselor shall be revoked if the  
12 board finds that the licensee engaged in sexual activity with a  
13 client as determined by board rule. The revocation shall be in  
14 addition to any other penalties provided by law.

15     Sec. 11. Section 154D.7, Code 2014, is amended to read as  
16 follows:

17     **154D.7 Temporary license — marital and family therapy — art**  
18 **therapy — mental health counseling — fees.**

19     Any person who has fulfilled all of the requirements for  
20 licensure under this chapter, except for having completed  
21 the postgraduate supervised clinical experience requirement  
22 as determined by the board by rule, may apply to the board  
23 for a temporary license. The license shall be designated  
24 "temporary license in marital and family therapy", "temporary  
25 license in art therapy", or "temporary license in mental health  
26 counseling" and shall authorize the licensee to practice  
27 marital and family therapy, art therapy, or mental health  
28 counseling under the supervision of a qualified supervisor as  
29 determined by the board by rule. The license shall be valid  
30 for three years and may be renewed at the discretion of the  
31 board. The fee for a temporary license shall be set by the  
32 board to cover the administrative costs of issuing the license,  
33 and if renewed, a renewal fee as set by the board shall be  
34 required.

35     Sec. 12. TRANSITION PROVISIONS.

1 1. Notwithstanding sections 147.14, as amended in this Act,  
2 and 147.16, the governor may appoint to the board of behavioral  
3 science pursuant to section 147.14, subsection 1, paragraph  
4 "m", as amended in this Act, subject to confirmation by the  
5 senate, in lieu of the three members licensed to practice  
6 art therapy, three members with experience and expertise  
7 substantially equivalent to the requirements for art therapy  
8 licensure under section 154D.2, as amended in this Act.

9 2. The board of behavioral science shall adopt rules to  
10 administer this Act, and the rules shall be effective July 1,  
11 2015.

12 Sec. 13. APPLICABILITY.

13 1. Applicants for art therapy licensure under chapter 154D  
14 who have not passed a licensure examination approved by the  
15 board by July 1, 2015, shall be issued a temporary license to  
16 practice art therapy for a period of two years, commencing on  
17 July 1, 2015.

18 2. An applicant issued a temporary license pursuant to this  
19 section shall pass a licensure examination approved by the  
20 board on or before July 1, 2017, in order to remain licensed as  
21 an art therapist.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill provides for the licensure of art therapists  
26 by the behavioral science board. The bill defines "licensed  
27 art therapist", "art therapy", and "temporary licensed art  
28 therapist". To obtain an art therapy license, an applicant  
29 must possess a master's degree in art therapy or a related  
30 field, have at least two years supervised clinical experience,  
31 and pass an examination approved by the board. The bill allows  
32 a person practicing art therapy to receive a temporary license.

33 The bill makes conforming changes in Code chapter  
34 147, regarding the general provisions for regulation of  
35 health-related professions, and amends the membership of the

1 board of behavioral science to include three art therapists.

2     The bill provides transition provisions for the initial  
3 appointment of the additional members to the board of  
4 behavioral science. The bill also provides transition  
5 provisions relating to the applicability of requirements for  
6 licensure of art therapists.

7     The provisions of Code chapters 147 and 272C, including  
8 licensing sanctions and a provision in Code section 147.86  
9 providing that a violation of Code chapter 147 or 154D is a  
10 serious misdemeanor, are applicable to licensed art therapists.  
11 A serious misdemeanor is punishable by confinement not to  
12 exceed one year and a fine of at least \$315 but not more than  
13 \$1,875.